

# Union Calendar No. 428

109TH CONGRESS  
2D SESSION

# H. R. 3248

[Report No. 109-716]

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2005

Mr. FERGUSON (for himself, Mr. LANGEVIN, Mr. TERRY, Mr. NORWOOD, Mrs. WILSON of New Mexico, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 5, 2006

Additional sponsors: Mr. LARSON of Connecticut, Mr. ANDREWS, Mr. WOLF, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. EMANUEL, Ms. JACKSON-LEE of Texas, Mr. MENENDEZ, Mr. DEFazio, Mr. SANDERS, Mr. PALLONE, Mr. GUTIERREZ, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. REYES, Mr. LYNCH, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. RAMSTAD, Mr. DOYLE, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. BOEHLERT, Mr. McDERMOTT, Mr. STRICKLAND, Mr. MELANCON, Mr. PRICE of North Carolina, Mr. PLATTS, Mrs. CAPPS, Mr. WALDEN of Oregon, Mr. SCHWARZ of Michigan, Ms. BERKLEY, Ms. SLAUGHTER, Mr. SHIMKUS, Ms. BALDWIN, Mr. SNYDER, Mr. ABERCROMBIE, Ms. HERSETH, Mrs. DAVIS of California, Mr. RENZI, Mr. HOLT, Mr. ROTHMAN, Mr. BAIRD, Mr. NADLER, Mr. KUCINICH, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. SHAYS, Mr. KIND, Mr. RAHALL, Mr. BONNER, Mr. SOUDER, Mr. BACHUS, Mr. FATTAH, Mr. WAXMAN, Mr. GENE GREEN of Texas, Mr. McINTYRE, Mrs. JONES of Ohio, Ms. ESHOO, Mr. MOORE of Kansas, Mr. BLUMENAUER, Mr. KIRK, Ms. ZOE LOFGREN of California, Mr. CARDIN, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. BURGESS, Mr. BOUCHER, Mr. SCOTT of Virginia, Mr. FORD, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. WYNN, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Ms. HOOLEY, Mr. KENNEDY of Rhode Island, and Mr. PAYNE

DECEMBER 5, 2006

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 12, 2005]

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## A BILL

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Lifespan Respite Care*  
5 *Act of 2006”.*

### 6 **SEC. 2. LIFESPAN RESPITE CARE.**

7 *The Public Health Service Act (42 U.S.C. 201 et seq.)*  
8 *is amended by adding at the end the following:*

## 9 **“TITLE XXIX—LIFESPAN RESPITE** 10 **CARE**

### 11 **“SEC. 2901. DEFINITIONS.**

12 *“In this title:*

13 *“(1) ADULT WITH A SPECIAL NEED.—The term*  
14 *‘adult with a special need’ means a person 18 years*  
15 *of age or older who requires care or supervision to—*

16 *“(A) meet the person’s basic needs;*

1           “(B) prevent physical self-injury or injury  
2           to others; or

3           “(C) avoid placement in an institutional  
4           facility.

5           “(2) AGING AND DISABILITY RESOURCE CEN-  
6           TER.—The term ‘aging and disability resource center’  
7           means an entity administering a program established  
8           by the State, as part of the State’s system of long-  
9           term care, to provide a coordinated system for pro-  
10          viding—

11           “(A) comprehensive information on avail-  
12          able public and private long-term care programs,  
13          options, and resources;

14           “(B) personal counseling to assist individ-  
15          uals in assessing their existing or anticipated  
16          long-term care needs, and developing and imple-  
17          menting a plan for long-term care designed to  
18          meet their specific needs and circumstances; and

19           “(C) consumer access to the range of pub-  
20          licly supported long-term care programs for  
21          which consumers may be eligible, by serving as  
22          a convenient point of entry for such programs.

23           “(3) CHILD WITH A SPECIAL NEED.—The term  
24          ‘child with a special need’ means an individual less

1 *than 18 years of age who requires care or supervision*  
2 *beyond that required of children generally to—*

3 *“(A) meet the child’s basic needs; or*

4 *“(B) prevent physical injury, self-injury, or*  
5 *injury to others.*

6 *“(4) ELIGIBLE STATE AGENCY.—The term ‘eligi-*  
7 *ble State agency’ means a State agency that—*

8 *“(A) administers the State’s program under*  
9 *the Older Americans Act of 1965, administers*  
10 *the State’s program under title XIX of the Social*  
11 *Security Act, or is designated by the Governor of*  
12 *such State to administer the State’s programs*  
13 *under this title;*

14 *“(B) is an aging and disability resource*  
15 *center;*

16 *“(C) works in collaboration with a public*  
17 *or private nonprofit statewide respite care coal-*  
18 *ition or organization; and*

19 *“(D) demonstrates—*

20 *“(i) an ability to work with other*  
21 *State and community-based agencies;*

22 *“(ii) an understanding of respite care*  
23 *and family caregiver issues across all age*  
24 *groups, disabilities, and chronic conditions;*  
25 *and*

1                   “(iii) *the capacity to ensure meaning-*  
2                   *ful involvement of family members, family*  
3                   *caregivers, and care recipients.*

4                   “(5) *FAMILY CAREGIVER.*—*The term ‘family*  
5                   *caregiver’ means an unpaid family member, a foster*  
6                   *parent, or another unpaid adult, who provides in-*  
7                   *home monitoring, management, supervision, or treat-*  
8                   *ment of a child or adult with a special need.*

9                   “(6) *LIFESPAN RESPITE CARE.*—*The term ‘life-*  
10                  *span respite care’ means a coordinated system of ac-*  
11                  *cessible, community-based respite care services for*  
12                  *family caregivers of children or adults with special*  
13                  *needs.*

14                  “(7) *RESPITE CARE.*—*The term ‘respite care’*  
15                  *means planned or emergency care provided to a child*  
16                  *or adult with a special need in order to provide tem-*  
17                  *porary relief to the family caregiver of that child or*  
18                  *adult.*

19                  “(8) *STATE.*—*The term ‘State’ means any of the*  
20                  *several States, the District of Columbia, the Virgin Is-*  
21                  *lands of the United States, the Commonwealth of*  
22                  *Puerto Rico, Guam, American Samoa, and the Com-*  
23                  *monwealth of the Northern Mariana Islands.*

1 **“SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOPER-**  
 2 **ATIVE AGREEMENTS.**

3 “(a) *PURPOSES.*—*The purposes of this section are—*

4 “(1) *to expand and enhance respite care services*  
 5 *to family caregivers;*

6 “(2) *to improve the statewide dissemination and*  
 7 *coordination of respite care; and*

8 “(3) *to provide, supplement, or improve access*  
 9 *and quality of respite care services to family care-*  
 10 *givers, thereby reducing family caregiver strain.*

11 “(b) *AUTHORIZATION.*—*Subject to subsection (e), the*  
 12 *Secretary is authorized to award grants or cooperative*  
 13 *agreements for the purposes described in subsection (a) to*  
 14 *eligible State agencies for which an application is sub-*  
 15 *mitted pursuant to subsection (d).*

16 “(c) *FEDERAL LIFESPAN APPROACH.*—*In carrying out*  
 17 *this section, the Secretary shall work in cooperation with*  
 18 *the National Family Caregiver Support Program of the Ad-*  
 19 *ministration on Aging and other respite care programs*  
 20 *within the Department of Health and Human Services to*  
 21 *ensure coordination of respite care services for family care-*  
 22 *givers of children and adults with special needs.*

23 “(d) *APPLICATION.*—

24 “(1) *SUBMISSION.*—*Each Governor desiring the*  
 25 *eligible State agency of his or her State to receive a*  
 26 *grant or cooperative agreement under this section*

1       *shall submit an application on behalf of such agency*  
2       *to the Secretary at such time, in such manner, and*  
3       *containing such information as the Secretary shall re-*  
4       *quire.*

5               “(2) CONTENTS.—*Each application submitted*  
6       *under this section shall include—*

7                       “(A) *a description of the eligible State agen-*  
8       *cy’s—*

9                               “(i) *ability to work with other State*  
10                              *and community-based agencies;*

11                             “(ii) *understanding of respite care and*  
12                            *family caregiver issues across all age*  
13                            *groups, disabilities, and chronic conditions;*  
14                            *and*

15                            “(iii) *capacity to ensure meaningful*  
16                            *involvement of family members, family*  
17                            *caregivers, and care recipients;*

18                       “(B) *with respect to the population of fam-*  
19       *ily caregivers to whom respite care information*  
20       *or services will be provided or for whom respite*  
21       *care workers and volunteers will be recruited and*  
22       *trained, a description of—*

23                            “(i) *the population of family care-*  
24       *givers;*

1           “(ii) the extent and nature of the res-  
2           pite care needs of that population;

3           “(iii) existing respite care services for  
4           that population, including numbers of fam-  
5           ily caregivers being served and extent of  
6           unmet need;

7           “(iv) existing methods or systems to co-  
8           ordinate respite care information and serv-  
9           ices to the population at the State and local  
10          level and extent of unmet need;

11          “(v) how respite care information dis-  
12          semination and coordination, respite care  
13          services, respite care worker and volunteer  
14          recruitment and training programs, or  
15          training programs for family caregivers  
16          that assist such family caregivers in making  
17          informed decisions about respite care serv-  
18          ices will be provided using grant or cooper-  
19          ative agreement funds;

20          “(vi) a plan for administration, col-  
21          laboration, and coordination of the proposed  
22          respite care activities with other related  
23          services or programs offered by public or  
24          private, nonprofit entities, including area  
25          agencies on aging;



1           “(vii) how the population, including  
2           family caregivers, care recipients, and rel-  
3           evant public or private agencies, will par-  
4           ticipate in the planning and implementa-  
5           tion of the proposed respite care activities;

6           “(viii) how the proposed respite care  
7           activities will make use, to the maximum  
8           extent feasible, of other Federal, State, and  
9           local funds, programs, contributions, other  
10          forms of reimbursements, personnel, and fa-  
11          cilities;

12          “(ix) respite care services available to  
13          family caregivers in the eligible State agen-  
14          cy’s State or locality, including unmet  
15          needs and how the eligible State agency’s  
16          plan for use of funds will improve the co-  
17          ordination and distribution of respite care  
18          services for family caregivers of children  
19          and adults with special needs;

20          “(x) the criteria used to identify fam-  
21          ily caregivers eligible for respite care serv-  
22          ices;

23          “(xi) how the quality and safety of any  
24          respite care services provided will be mon-  
25          itored, including methods to ensure that res-

1            *pite care workers and volunteers are appro-*  
 2            *priately screened and possess the necessary*  
 3            *skills to care for the needs of the care recipi-*  
 4            *ent in the absence of the family caregiver;*  
 5            *and*

6            *“(xii) the results expected from pro-*  
 7            *posed respite care activities and the proce-*  
 8            *dures to be used for evaluating those results;*

9            *“(C) assurances that, where appropriate,*  
 10          *the eligible State agency will have a system for*  
 11          *maintaining the confidentiality of care recipient*  
 12          *and family caregiver records; and*

13          *“(D) a memorandum of agreement regard-*  
 14          *ing the joint responsibility for the eligible State*  
 15          *agency’s lifespan respite program between—*

16                  *“(i) the eligible State agency; and*

17                  *“(ii) a public or private nonprofit*  
 18                  *statewide respite coalition or organization.*

19          *“(e) PRIORITY; CONSIDERATIONS.—When awarding*  
 20          *grants or cooperative agreements under this section, the Sec-*  
 21          *retary shall—*

22                  *“(1) give priority to eligible State agencies that*  
 23          *the Secretary determines show the greatest likelihood*  
 24          *of implementing or enhancing lifespan respite care*  
 25          *statewide; and*

1           “(2) *give consideration to eligible State agencies*  
 2           *that are building or enhancing the capacity of their*  
 3           *long-term care systems to respond to the comprehen-*  
 4           *sive needs, including respite care needs, of their resi-*  
 5           *dents.*

6           “(f) *USE OF GRANT OR COOPERATIVE AGREEMENT*  
 7           *FUNDS.—*

8           “(1) *IN GENERAL.—*

9           “(A) *REQUIRED USES OF FUNDS.—Each el-*  
 10           *igible State agency awarded a grant or coopera-*  
 11           *tive agreement under this section shall use all or*  
 12           *part of the funds—*

13                   “(i) *to develop or enhance lifespan res-*  
 14                   *pite care at the State and local levels;*

15                   “(ii) *to provide respite care services for*  
 16                   *family caregivers caring for children or*  
 17                   *adults;*

18                   “(iii) *to train and recruit respite care*  
 19                   *workers and volunteers;*

20                   “(iv) *to provide information to care-*  
 21                   *givers about available respite and support*  
 22                   *services; and*

23                   “(v) *to assist caregivers in gaining ac-*  
 24                   *cess to such services.*

1           “(B) *OPTIONAL USES OF FUNDS.*—Each eli-  
2           gible State agency awarded a grant or coopera-  
3           tive agreement under this section may use part  
4           of the funds for—

5                   “(i) training programs for family care-  
6                   givers to assist such family caregivers in  
7                   making informed decisions about respite  
8                   care services;

9                   “(ii) other services essential to the pro-  
10                  vision of respite care as the Secretary may  
11                  specify; or

12                  “(iii) training and education for new  
13                  caregivers.

14           “(2) *SUBCONTRACTS.*—Each eligible State agen-  
15           cy awarded a grant or cooperative agreement under  
16           this section may carry out the activities described in  
17           paragraph (1) directly or by grant to, or contract  
18           with, public or private entities.

19           “(3) *MATCHING FUNDS.*—

20                   “(A) *IN GENERAL.*—With respect to the  
21                   costs of the activities to be carried out under  
22                   paragraph (1), a condition for the receipt of a  
23                   grant or cooperative agreement under this sec-  
24                   tion is that the eligible State agency agrees to  
25                   make available (directly or through donations

1       *from public or private entities) non-Federal con-*  
 2       *tributions toward such costs in an amount that*  
 3       *is not less than 25 percent of such costs.*

4               “(B) *DETERMINATION OF AMOUNT CONTRIB-*  
 5       *UTED.—Non-Federal contributions required by*  
 6       *subparagraph (A) may be in cash or in kind,*  
 7       *fairly evaluated, including plant, equipment, or*  
 8       *services. Amounts provided by the Federal Gov-*  
 9       *ernment, or services assisted or subsidized to any*  
 10       *significant extent by the Federal Government,*  
 11       *may not be included in determining the amount*  
 12       *of such non-Federal contributions.*

13       “(g) *TERM OF GRANTS OR COOPERATIVE AGREE-*  
 14       *MENTS.—*

15               “(1) *IN GENERAL.—The Secretary shall award*  
 16       *grants or cooperative agreements under this section*  
 17       *for terms that do not exceed 5 years.*

18               “(2) *RENEWAL.—The Secretary may renew a*  
 19       *grant or cooperative agreement under this section at*  
 20       *the end of the term of the grant or cooperative agree-*  
 21       *ment determined under paragraph (1).*

22       “(h) *MAINTENANCE OF EFFORT.—Funds made avail-*  
 23       *able under this section shall be used to supplement and not*  
 24       *supplant other Federal, State, and local funds available for*  
 25       *respite care services.*

1 **“SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CEN-**  
2 **TER.**

3 “(a) *ESTABLISHMENT.*—*The Secretary may award a*  
4 *grant or cooperative agreement to a public or private non-*  
5 *profit entity to establish a National Resource Center on*  
6 *Lifespan Respite Care (referred to in this section as the*  
7 *‘center’).*

8 “(b) *PURPOSES OF THE CENTER.*—*The center shall—*

9 “(1) *maintain a national database on lifespan*  
10 *respite care;*

11 “(2) *provide training and technical assistance to*  
12 *State, community, and nonprofit respite care pro-*  
13 *grams; and*

14 “(3) *provide information, referral, and edu-*  
15 *cational programs to the public on lifespan respite*  
16 *care.*

17 **“SEC. 2904. REPORT.**

18 “*Not later than January 1, 2009, the Secretary shall*  
19 *report to the Congress on the activities undertaken under*  
20 *this title. Such report shall evaluate—*

21 “(1) *the number of States that have lifespan res-*  
22 *pite care programs;*

23 “(2) *the demographics of the caregivers receiving*  
24 *respite care services through grants or cooperative*  
25 *agreements under this title; and*

1           “(3) the effectiveness of entities receiving grants  
2           or cooperative agreements under this title.

3   **“SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.**

4           *“There are authorized to be appropriated to carry out*  
5 *this title—*

6           “(1) \$30,000,000 for fiscal year 2007;

7           “(2) \$40,000,000 for fiscal year 2008;

8           “(3) \$53,330,000 for fiscal year 2009;

9           “(4) \$71,110,000 for fiscal year 2010; and

10          “(5) \$94,810,000 for fiscal year 2011.”.

Union Calendar No. 428

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 3248**

[Report No. 109-716]

**A BILL**

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